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MISSOULA, MT

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PATRICK E. DUFFY

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

PHILIP ALEXANDER TRAVALIA,	)	CV 06-55-H-DWM-RKS
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
ALAN PUCKETT, District Director,	)	
U.S. Citizenship and Immigration	)	
Services,	)	
	)	
Respondent.	)	
_____	)	

United States Magistrate Keith Strong entered Findings and Recommendation in this matter on March 12, 2007. Travalia filed objections and is therefore entitled to de novo review of the record. 28 U.S.C. § 636(b)(1).

Judge Strong concluded that Travalia's motion to proceed in forma pauperis should be denied and I agree. Travalia belatedly responded with evidence of his inmate trust account. The account statement submitted with his objections indicates that he has a balance of \$446.00 as of March 19, 2007. Thus, Travalia does not merit in forma pauperis status. Contrary to Judge Strong's

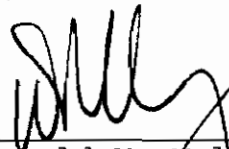
Findings and Recommendation the petition for a hearing on a nationality claim will not be dismissed for failure to file a fee. Travalia will have an opportunity to pay the fee and proceed.

Accordingly, based upon the foregoing I adopt Judge Strong's Findings and Recommendation (dkt #7) as set forth above;

IT IS HEREBY ORDERED that Petitioner's motion to proceed in forma pauperis (dkt #4) is DENIED;

AND IT IS FURTHER ORDERED that Petitioner shall pay the filing fee by April 27, 2007 or his petition for a hearing on a nationality claim shall be dismissed.

DATED this 4<sup>th</sup> day of April, 2007.

  
\_\_\_\_\_  
Donald W. Molloy, Chief Judge  
United States District Court

